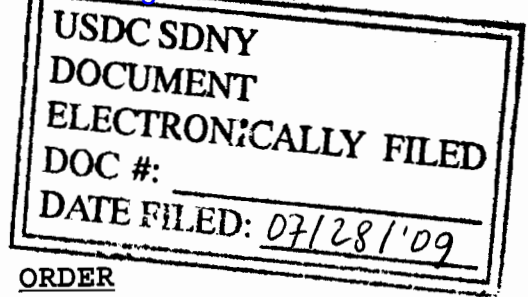


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
LOUIS LUCIANO, :

Plaintiff, :

- against - :

CITY OF NEW YORK et al., :

Defendants. :

-----x

ORDER

09 Civ. 359 (DC)

CHIN, District Judge

Plaintiff's request to file an amended complaint in this case is granted. Defendants may move to dismiss the amended complaint by August 24, 2009. Plaintiff shall oppose the motion by September 21, 2009. Defendants shall reply by October 5, 2009. Given that this is the second (or third) amendment, if the motion to dismiss is granted, leave to replead will be denied. This is without prejudice to any arguments defendants may have with respect to the unfiled second complaint or any statute of limitations defense.

Also, plaintiff is hereby ordered to execute the releases for the New York City Police Department records regarding the incident alleged in the complaint. Plaintiff has not provided any basis for refusing to execute the releases. Thus, the release shall be executed and delivered to defendants' counsel by August 3, 2009.

SO ORDERED.

Dated: New York, New York
July 28, 2009


DENNY CHIN
United States District Judge